

WITHDRAWAL SHEET

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FOIA ID: F1997-066/6, D. Cohen

Date: 08/18/2004

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	William Lytton to Howard Baker re briefing concerning 12/7/85 meeting, 3p [Item is still under review under the provisions of EO 13233]	7/20/87	
2. notes	re Dec. 7 residence notes et al., 1p	7/20/87	B1
3. memo	R 5/24/11 F97-066/6 #49 Lytton to Arthur Culvahouse re anticipated testimony of Charles Cooper, 2p [Item is still under review under the provisions of EO 13233]	6/24/87	
4. memo	Lytton to Culvahouse re anticipated testimony of Michael Ledeen,	6/23/87	B1
	3p R 10/28/2010 F97-066/6 #50		
5. memo	Lytton to Culvahouse re Noel Koch testimony, 1p	6/22/87	B1
	R 10/28/10 F97-066/6 #51		B3

RESTRICTIONS

B-1 National security classified information [(b)(1) of the FOIA].

B-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].

B-3 Release would violate a Federal statute [(b)(3) of the FOIA].

B-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].

B-7a Release could reasonably be expected to interfere with enforcement proceedings [(b)(7)(A) of the FOIA].

B-7b Release would deprive an individual of the right to a fair trial or impartial adjudication [(b)(7)(B) of the FOIA].

B-7c Release could reasonably be expected to cause unwarranted invasion or privacy [(b)(7)(C) of the FOIA].

B-7d Release could reasonably be expected to disclose the identity of a confidential source [(b)(7)(D) of the FOIA].

B-7e Release would disclose techniques or procedures for law enforcement investigations or prosecutions or would disclose guidelines which could reasonably be expected to risk circumvention of the law [(b)(7)(E) of the FOIA].

B-7f Release could reasonably be expected to endanger the life or physical safety of any individual [(b)(7)(F) of the FOIA].

B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].

B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE

WASHINGTON

July 20, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
CHIEF OF STAFF TO THE PRESIDENT

FROM: WILLIAM B. LYTTON III *William B. Lytton III*
DEPUTY SPECIAL COUNSELLOR TO THE PRESIDENT *GA*

SUBJECT: Briefing of the President Concerning
the December 7, 1985, Meeting

I. Background

Meeting: December 7, 1985
Residence
10:00 a.m. - 11:58 a.m.

Present: President (in pajamas and a bathrobe)
Secretary Shultz
Secretary Weinberger
DDCI John McMahon
Robert McFarlane
John Poindexter
Donald Regan

Subject: Status of strategic opening to Iran;
Focus was on U.S. supplying arms to Iran,
either directly or through Israel, to
obtain the release of the hostages.

Discussion: Strong opposition by Secretary Shultz,
Secretary Weinberger and Don Regan to
the transfer of U.S. weapons to Iran;
McFarlane, Poindexter and President
favored the arms transfers.

Legal Issue: Either Secretary Shultz or Secretary
Weinberger raised the legal issue that the
transfer of U.S. arms by Israel to Iran
violated the Arms Export Control Act.

Resolution: The President directed McFarlane to go to London to meet with Ghorbanifar.

The President noted in his Diary for that day that there was disagreement among the group and that no decisions were made; they were at "stalemate." The diary entry does not discuss the legal issue.

II. The Charles Hill Notes

While no contemporaneous notes were taken, to our knowledge, at this meeting, Secretary Shultz followed his usual pattern of "backbriefing" his close aide, Charles Hill, who in turn made copious notes. In addition, Secretary Weinberger discussed the meeting with Richard Armitage, who passed along Weinberger's recollection to a State Department aide, and these recollections also were the subject of a note.

- A. Charles Hill's notes reflect that Shultz, Weinberger and Don Regan strongly opposed the arms transfers, followed by the note, "Against the law." McFarlane, Poindexter, and the President are listed as "in favor." There is a further note: "no decision yet." There is then a discussion of McFarlane going to London, followed by, "[the President] said American people won't understand if 4 hostages died because I did not break the law."
- B. Chris Ross' notes reflect Arnie Rafel's discussion with Armitage of Weinberger's recollection:

On the legal issue, the President has said that the American people would understand if he broke the law to get the hostages back; they would not understand it if four hostages died because he refused to break the law. The President said, "they" could impeach him if they wanted; visiting hours in prison were on Thursdays. Weinberger pointed out that, in such a case, the President would not be alone.

III. Context of Discussions

- A. This was an intensely candid and private exchange of views by and among the President's closest advisors.

- B. In this nearly two-hour conversation, positions were stated very forcefully, and obviously with hyperbole.
- C. Everyone knew that the lives of hostages were at stake.
- D. No useful purpose was served by writing down the rhetorical flourishes of the participants in such a candid discussion.

IV. Potential Impact

- A. Partisans will try to take this comment out of context -- ignoring the fact that no decision on the arms transfers was made that day and that thereafter the Attorney General's advice was sought and the arms sales were carried out in accordance with the law.
- B. The political impact could focus on a tone allegedly set at that meeting.
- C. If the President and his advisers cannot speak absolutely candidly in these types of meetings, without the fear of selective words and phrases being publicly disclosed months or years later, then the quality of that type of debate will deteriorate to merely posturing. The result will be a diminution in the value of the advice the President receives. Both the substance and the style in which it is given will be affected out of a concern as to how it will be portrayed at a later date.
- D. A lesson learned is that notes of candid conversations with the President, if made at all, should not be passed around to subordinates and should not be turned over to Congressional Committees.
- E. Because of the potential impact, both the President and the First Lady need to be alerted to the full context of this matter and its possible impact.

July 20, 1987

- I. December 7, 1987 Residence Notes.
- II. Da'Wa' Prisoners. 18 Kuwaiti Shiites attacked U.S. Embassy in Kuwait. Secord & Hakim negotiating 9 point plans with Iranians in 1986. Included release of Da Was, partially in exchange for release of U.S. hostages.
- III. Costa Rican airstrip at Santa Elena. Poindexter said he briefed the President, perhaps in connection with Poindexter's trip in December of 1985. Any recollection of briefing?

Possible some Santa Elena airstrip pictures in a photo album prepared for North which North gave to Poindexter to brief the President. Poindexter has not yet said whether he gave album to the President. Any recollection of seeing the album?

DECLASSIFIED
NLRR F-97-0666 #49
BY RW NARA DATE 5/24/11

THE WHITE HOUSE
WASHINGTON

July 17, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
RHETT B. DAWSON
KENNETH M. DUBERSTEIN
M. MARLIN FITZWATER
THOMAS C. GRISCOM

FROM: ARTHUR B. CULVAHOUSE, JR.
COUNSEL TO THE PRESIDENT

SUBJECT: Testimony of Vice Admiral John Poindexter
Friday Morning, July 17, 1987

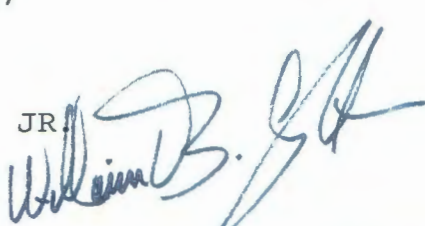
Attached is a summary prepared by Counsel's Office of the testimony of VADM John Poindexter at this morning's session of the Iran/Contra hearings.

Attachment

THE WHITE HOUSE

WASHINGTON

July 17, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.
FROM: WILLIAM B. LYTTON III 
SUBJECT: SUMMARY OF TESTIMONY OF ADMIRAL JOHN POINDEXTER
JULY 17, 1987 (MORNING SESSION)

I. Overview

Chairman Inouye stated that, in view of Poindexter's concession that he withheld information and misled Congress, he did not believe it improper for members to comment that Poindexter's testimony was "mind-boggling," "incredible," and "chilling."

Poindexter testified that he would not lie before the Committee to protect the President. He added that he could not remember an instance of the President saying, in substance, "this [operation] is too risky, don't bring things like this to my attention again."

Poindexter testified that he authorized North to meet with Rep. Hamilton in the summer of 1986, concerning a proposed House Resolution of Inquiry on the understanding that North would be evasive and withhold information. Poindexter stated that he favored withholding information from Congress, in part, to avoid "outside interference" that could lead to more restrictive legislation on NSC activities. House Majority Counsel Nields insinuated that, under Poindexter's view, it would constitute "outside interference" for Congress to gather information as a basis for enacting what it deemed appropriate legislation.

II. The President's Involvement

A. Diversion

Poindexter testified that he still believes the President would have approved the diversion, and that statements to the contrary by Marlin Fitzwater do not persuade him otherwise. Senator Nunn suggested that Fitzwater's statements, on behalf of the President, were now misleading the American people. When Minority Counsel Leon pointed out that the President has stated that he would not have approved the diversion had he known of it, Poindexter replied, "that's part of deniability."

Poindexter testified that he decided not to inform the President about diversion on the basis of his long experience in government and his "long time working with this President." Nields questioned whether Poindexter believed the President wanted "deniability rather than responsibility." In response Poindexter testified that the President never indicated that he did not want to be responsible for his own decisions.

Asked about early press reports that he was constructing a legal defense around the allegation that he had told the President that the Contras were being helped as an ancillary benefit of the Iran initiative, Poindexter said those reports were erroneous. Poindexter stated that he has never told anyone that the President was informed about the diversion.

Poindexter stated he had no reason to believe North would tell the President about diversion without telling Poindexter first. Poindexter also testified that he has no reason to believe that the President found out about diversion from anyone else.

Nunn questioned whether Poindexter had possibly forgotten about the five diversion memoranda, about which North testified, in view of the fact that Poindexter has conceded having forgotten about the November 1985 Finding. Poindexter reiterated his testimony that he recalled no such memoranda. Furthermore, he stated that it was totally unlikely that any such memoranda would have gone to the President without Poindexter's knowledge.

B. Boland Amendment

Nothing to report.

C. Iran Operation

Poindexter testified that he was certain the President had forgotten about the November 1985 Finding, as had Poindexter, by the time the Iran arms initiative was publicly reported.

Senator Nunn commented that the Administration's position that the Iranians do not control Hezbollah (and that the USG therefore was not dealing with hostage takers) is inconsistent with having required the Iranians to effect the hostages' release as an indication of good faith and a precondition to improved Iranian-American relations.

D. Third Country Aid to Contras

Nothing to report.

E. Private Support to Contras

Nothing to report.

F. November 1986 Chronologies

Poindexter again testified that he did not remember, when preparing the November 1986 Chronologies, that he had contemporaneous knowledge that HAWKS had been shipped in November 1985. Poindexter denied that he destroyed the November 1985 Finding to cover-up the fact that Administration officials had known HAWKS were involved.

III. Continuation of Hearing

Poindexter's testimony will resume at 2:30 p.m.

THE WHITE HOUSE

WASHINGTON

AB

July 15, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
RHETT B. DAWSON
KENNETH M. DUBERSTEIN
M. MARLIN FITZWATER
THOMAS C. GRISCOM

FROM: ARTHUR B. CULVAHOUSE, JR.
COUNSEL TO THE PRESIDENT

ABe

SUBJECT: Testimony of Vice Admiral John Poindexter
Wednesday Morning, July 15, 1987

Attached is a summary prepared by Counsel's Office of the testimony of VADM John Poindexter at this morning's session of the Iran/Contra hearings.

Attachment

THE WHITE HOUSE

WASHINGTON

July 15, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM:

WILLIAM B. LYTTON III

SUBJECT:

SUMMARY OF TESTIMONY OF ADMIRAL JOHN POINDEXTER
JULY 15, 1987 (MORNING SESSION)

I. Overview

Admiral Poindexter said he had never told the President or anyone else (other than Oliver North) of the diversion of the proceeds from the Iranian arms sales to the Contras. Poindexter testified that the President signed, probably on December 5, 1985, the Finding which the CIA had prepared to authorize its involvement in the November 1985 Israeli arms shipment to Iran. Poindexter characterized this Finding as a "CIA CYA" effort which failed to state the strategic interests which the arms transfer sought to advance. He destroyed it on November 24, 1986.

Poindexter testified that the President prematurely signed the draft Finding of January 6, 1986. That draft still contemplated an Israeli shipment of arms to Iran and U.S. replenishment. At a meeting with the Secretary of State, the Secretary of Defense, DCI Casey and Attorney General Meese on January 16, 1986, Meese expressed the opinion that structuring the transaction as a direct sale from the U.S. to Iran with the assistance of a private intermediary would make it easier to avoid the otherwise potentially applicable requirement of reporting such a transaction to Congress under the Arms Export Control Act. Meese's opinion was embodied in the January 17, 1986, Finding.

II. The President's Involvement

A. Diversion

Poindexter testified that North advised him in February 1986 of the potential for applying the residuals from the Iranian arms sales to the Contras. Poindexter found the concept no different than the support for the Contras from private individuals and third countries of which the President was "aware." Poindexter "approved it" because he viewed it as an "implementation" of the President's "steadfast" policy since 1981 to support the Contras. He believed then, and still believes,

that the President would have himself approved it and indeed would have "enjoyed" the idea, based on his long observation of the President. However, Poindexter made a conscious decision not to tell the President in an effort "to insulate" the President from politically volatile consequences and to provide the President with "deniability."

Poindexter never discussed diversion to the Contras with the President or anyone other than North until his conversation with the Attorney General on November 24, 1986. He felt that his commission as National Security Advisor was sufficiently "broad" to enable him to approve the diversion himself. This was the only time he kept a decision from the President to save him from political embarrassment.

B. Boland Amendment

Nothing to report.

C. Iran Operation

As noted above, Poindexter testified that on or about December 5, 1985, the President did sign the November 1985 Finding which the CIA had generated to cover its actions in assisting the Israeli shipment of arms to Iran in November 1985. That Finding described the Iran initiative as a straight arms for hostages swap. Poindexter stated generally that the President read everything given to him and that he read the November 1985 Finding before signing it. Poindexter noted, however, that the initiative had always involved broad strategic goals, and that the Finding had not been worded to reflect these only because its drafting had not been "fully staffed." It was a "CYA" effort by the CIA.

On November 21, 1986, Poindexter, having been advised by Meese that he intended to get the President's approval to conduct an investigation of the 1985 arms shipments by Israel to Iran, destroyed the only copy of this signed Finding to avoid the "political embarrassment" which he thought would attend its disclosure. He thought it would be construed to confirm (wrongly in Poindexter's view) allegations that the Iran initiative was purely a barter of arms for hostages. The President never authorized Poindexter's destruction of the Finding. Poindexter also thought the November 1985 Finding had been superseded by the January 1986 Finding.

Poindexter said that at the meeting of the President's advisors on December 7, 1985, Shultz and Weinberger argued vociferously against pressing forward on the Iran initiative. One objection raised, according to Poindexter, was that arms sales to Iran might be "contrary to the Arms Export Control Act." He stated that after the first round of heated debate, the President stated that he felt "no stone can be left unturned" in the effort to secure the release of the hostages. He was "clearly concerned" about them and thought it was "worth taking a

risk" to secure their release. The President also recognized the importance of an opening to Iran.

D. Third Country Aid to Contras

As noted above, Poindexter testified that the President was "aware" of third country, as well as private, aid to the Contras.

E. Private Support to Contras

See Section D above.

F. November 1986 Chronologies

Nothing to report.

III. Continuation of Hearing

Poindexter's testimony will resume at 2:00 p.m.

THE WHITE HOUSE

WASHINGTON

June 25, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
RHETT B. DAWSON
KENNETH M. DUBERSTEIN
M. MARLIN FITZWATER
THOMAS C. GRISCOM

FROM: ARTHUR B. CULVAHOUSE, JR.
COUNSEL TO THE PRESIDENT

SUBJECT: Testimony of Charles J. Cooper
Thursday Morning, June 25, 1987

Attached is a summary prepared by Counsel's Office of the testimony of Charles J. Cooper, Assistant Attorney General, Office of Legal Counsel, at the Department of Justice at this morning's session of the Iran/Contra hearings.

Attachment

THE WHITE HOUSE

WASHINGTON

June 25, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: WILLIAM B. LYTTON III *WL*
SUBJECT: TESTIMONY OF CHARLES J. COOPER
JUNE 25, 1987 (MORNING SESSION)

David Howard and Susan Disher observed this morning's testimony and report as follows:

I. Background

Assistant Attorney General Charles J. Cooper joined the Justice Department's Office of Legal Counsel (OLC) in November 1985. He testified concerning his involvement in the investigation in November 1986. He testified as to the following series of events:

November 7: The Attorney General told Cooper in passing that the Iran arms controversy would generate work for OLC and that he and Paul Thompson, NSC General Counsel, should discuss the matter.

November 17: Cooper received a "chronology" from the NSC which for the first time suggested the existence of Israeli arms sales to Iran before the Presidential Finding in January 1986.

November 20: Cooper attended a meeting at the White House to discuss the upcoming testimony of DCI Casey before the Congressional intelligence committees and VADM Poindexter's briefing of those committees. Also present at the meeting were the Attorney General, North, and Thompson. A draft of Casey's proposed testimony stated that "we did not learn until January 1986, that the (November) shipment involved missiles." North insisted that language be inserted making it clear that no one in the U.S. Government knew that HAWKS were involved until mid-January. None of the other participants disputed North's account. North also said that the HAWKS were returned to Israel in February 1986 because of the U.S. Government's unhappiness with the Israelis' shipment and not because the HAWKS were unsatisfactory to the Iranians.

After the meeting, State Department Legal Adviser Abraham Sofaer told Cooper and Peter Wallison that Secretary Shultz had a distinct recollection that McFarlane had told him in November 1985 about the impending shipment of HAWKS from Israel to Iran. Sofaer later said that Undersecretary of State Armacost would attend DCI Casey's testimony and, if Casey misspoke, Sofaer would instruct Armacost to state immediately his inconsistent understanding. Sofaer suggested that he would quit if Casey stuck with his story.

After this call, Cooper spoke with the Attorney General who told Cooper to make it known to Poindexter and Casey that they should not testify to these uncertain facts.

November 21: Cooper met with Casey, who agreed not to testify that the U.S. Government did not learn the shipment contained arms until January. Casey did, however, testify that the airplane crew carrying the HAWKS was informed upon arrival in Tel Aviv that they were carrying oil drilling equipment. Before Casey testified, however, a lawyer from CIA's general counsel's office told Cooper that there were indications the pilot knew the plane was carrying military equipment.

After the Attorney General received authority from the President to conduct an inquiry, he and Cooper met with McFarlane, who told them he did not know that the aircraft carried arms until May 1986. Cooper testified that he felt McFarlane was not entirely forthcoming.

On the same day, Meese called Poindexter to arrange a review of NSC documents.

November 22: Meese and Cooper met with Shultz and Charles Hill, who showed them Hill's notes indicating McFarlane's knowledge of the HAWK shipment on November 18, 1985.

At about 12:30 p.m., Cooper and the Attorney General met the two lawyers who had been reviewing NSC documents. When the document (which had been found that morning in North's office) suggesting diversion was brought up, Meese expressed surprise and discussed its tremendous significance. There was no discussion at that time of securing North's office or bringing in the FBI.

That afternoon, the Attorney General called North to set up an interview. Although Meese wanted to meet with North immediately, North delayed the meeting until the next day.

November 23: North stated during his interview that, although he had been suspicious, an Israeli representative told him that the November shipment contained "oil drilling parts." When North was confronted with the document indicating diversion, North became "visibly surprised" and asked whether a cover memo had been found. When asked whether a cover memo should have been

found, North said "No, I just wondered." He then offered to look for such a memo.

North admitted the diversion, but said it was Nir's idea. He hoped it did not have to become public, but Cooper said there was never any question about announcing the information.

November 24: After speaking with the President, Meese spoke with McFarlane and Poindexter. While McFarlane acknowledged North told him about diversion, Poindexter said he had only received "hints" that funds had been diverted. Later that day, Cooper met with Tom Green, North's and Secord's lawyer. Meese asked another lawyer to check again for any documents indicating knowledge of diversion beyond North, McFarlane, and Poindexter. No such document was found.

November 25: When he arrived at the Justice Department, Cooper learned that Poindexter had acknowledged to Meese the previous day that he should resign. Immediately after Meese's news conference at noon, Meese ordered the Deputy Attorney General to secure the NSC's documents, but this was not actually accomplished until that evening. On this day, the Criminal Division was brought in. It was not until Friday, November 28 that the FBI went to the OEOB.

II. The President's Involvement

A. Diversion

When North was interviewed on November 23, he said that he did not think the memo documenting diversion had gone to the President. North said the only people in the government who knew were Poindexter, McFarlane, and himself. Secord, Nir, and Calero probably also knew.

After the meeting Cooper and the Attorney General discussed the importance of the President announcing the diversion before anyone else leaked it.

The Attorney General told Cooper that when he spoke with the President on November 24, he told the President about the diversion and asked for more time to investigate. The President was "surprised" about the diversion.

B. Boland Amendment

Not addressed.

C. Iran Operations

On November 21, 1986, the Attorney General met with the President to bring to his attention the inconsistent accounts of the November 1986 sale of HAWKS. The Attorney General told

Cooper that the President ordered him to gather all the facts and report back on Monday, November 24.

Later that day, Meese and Cooper talked with McFarlane. After Cooper left, Meese and McFarlane spoke privately. The Attorney General told Cooper that McFarlane said something like, "I hope I can keep the President's interest uppermost. I'm trying to protect the President."

D. Third Country Aid to the Contras

Not addressed.

E. Private Support to the Contras

Not addressed.

F. November 1986 Chronologies

Not addressed with respect to the President's knowledge.

III. Conclusion

Cooper's testimony will continue at 2:00 p.m. He will probably be questioned about his meeting with Tom Green on November 24. The Department of Justice may also be criticized for not securing North's documents or bringing in the FBI more quickly. There may also be allegations that the decision to disclose diversion was made only because there was fear that the information would leak. After Cooper's testimony, the Committee will not resume public hearings until July 7, when Oliver North will begin testifying.

THE WHITE HOUSE

WASHINGTON

June 24, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
RHETT B. DAWSON
KENNETH M. DUBERSTEIN
M. MARLIN FITZWATER
THOMAS C. GRISCOM

FROM: ARTHUR B. CULVAHOUSE, JR. 
COUNSEL TO THE PRESIDENT

SUBJECT: Anticipated Testimony of Charles J. Cooper
Wednesday, June 24, 1987

Attached is a summary prepared by Counsel's office of the anticipated testimony of Charles J. Cooper, Assistant Attorney General, Office of Legal Counsel, at the Department of Justice. Chuck is expected to testify at this afternoon's or tomorrow morning's session of the Iran/Contra hearings.

Attachment

THE WHITE HOUSE

WASHINGTON

June 24, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR

FROM: WILLIAM B. LYTTON III 

SUBJECT: ANTICIPATED TESTIMONY OF CHARLES COOPER

Charles Cooper is Assistant Attorney General, Office of Legal Counsel. Cooper is expected to testify primarily about the events of November 20-24, 1986, as they relate to the Attorney General's investigation into Iran/Contra.

On November 20, 1986, Cooper was present during a meeting with Meese, Casey, North, Paul Thompson and Poindexter to discuss Casey's Congressional testimony the next day. After the meeting, according to recent newspaper reports, Cooper talked with State Department Legal Advisor Abraham Sofaer and Sofaer threatened to quit unless Casey's testimony was revised to portray more truthfully the Government's role in the shipment of arms to Iran. Cooper apparently then spoke with Meese and they agreed that an in-depth factual inquiry was necessary because of the conflicting factual accounts. Cooper will undoubtedly be asked about whether the participants at the November 20 meeting were aware that Casey's testimony would not be accurate. He will probably also be questioned about his conversation with Sofaer and about Meese's decision to conduct an inquiry.

On November 21, 1986, Meese met with Cooper and Assistant Attorney General William Bradford Reynolds about the inquiry. After this meeting, Cooper spoke with Paul Thompson about sending over DOJ lawyers to review North's files. Cooper will probably be asked about Meese's instructions for the conduct and nature of the investigation. He will probably also testify concerning his conversation with Thompson and about why the decision to secure North's documents was not made until November 25.

On the morning of November 22, Cooper called Thompson and asked him whether it would be possible to have two of Cooper's colleagues from DOJ gain access to North's office "within the hour." Thompson agreed. Cooper will be asked why he waited until the morning of November 22 to send in the DOJ lawyers to review North's documents.

On November 23, Meese interviewed North. A group of Justice Department lawyers, including Cooper, was present. It was at the conclusion of this meeting that the AG showed a surprised North the undated April 1986 memorandum which outlined the diversion scheme.

On November 24, Washington attorney Tom Green came to see Cooper. Green told Cooper that he represented both North and Secord. Green told Cooper that in early 1986, Albert Hakim told the Iranians that in order to establish their good faith, they should contribute an amount in excess of the purchase price of the TOWs for use of the Contras or "of us." Cooper may be asked about this conversation.

Cooper may also be asked about a legal opinion he wrote for the Attorney General on December 17, 1986, concerning "The President's Compliance with the 'Timely Notification' Requirement of Section 501(b) of the National Security Act." In this opinion, Cooper concludes that the President may withhold notification to Congress of covert operations until the project has progressed to a point where disclosure would not jeopardize its success.

THE WHITE HOUSE
WASHINGTON

June 24, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
RHETT B. DAWSON
KENNETH M. DUBERSTEIN
M. MARLIN FITZWATER
THOMAS C. GRISCOM

FROM: ARTHUR B. CULVAHOUSE, JR. 
COUNSEL TO THE PRESIDENT

SUBJECT: Anticipated Testimony of Michael Ledeen
Wednesday, June 24, 1987

Attached is a summary prepared by Counsel's office of the anticipated testimony of Michael Ledeen, a former consultant to the National Security Council on terrorism and Middle East issues. Ledeen is expected to testify at this afternoon's session of the Iran/Contra hearings.

Attachment

~~TOP SECRET~~

THE WHITE HOUSE

WASHINGTON

June 23, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: WILLIAM B. LYTTON III *W*
SUBJECT: ANTICIPATED TESTIMONY OF MICHAEL LEDEEN

I. Introduction

This memorandum provides a brief summary of Michael Ledeen's role in the Iran-Contra affair and the expected testimony by Ledeen before the House and Senate Select Committees. Ledeen was an NSC consultant on terrorism and Middle East issues from November 1984 to December 1986. It was during this time that he became involved in the Iran initiative. Prior to this, Ledeen served as Special Advisor to then Secretary of State Alexander Haig and was administratively assigned to the Secretary's Counselor, Robert McFarlane. (U)

Ledeen once described himself to a member of Secretary Shultz's staff as "the only person who knows everything" about U.S. secret activities with Iran. Yet documents indicate that Shultz was angered by Ledeen's presumptuousness and McFarlane was prepared at various times to disavow Ledeen's initiatives in the Iran project. After the Iran venture became public, Ledeen was anxious to explain his involvement to the media--and he contacted Government officials about doing so. (TS)

Ledeen will likely be asked to testify about: (a) his early involvement in the Iran initiative; (b) his relationship with Manucher Ghorbanifar and Adolph Schwimmer, an Israeli arms dealer, and allegations that he profited financially from the Iran arms sales; and (c) his meetings with Oliver North on November 21, 1986, at Ledeen's home and in North's office. (U)

II. Iran

A. Origins of the Initiative

Ledeen's involvement in the early phase of the Iran initiative is well-documented in the Tower Report. Briefly summarized, Ledeen in his capacity as NSC consultant, visited

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with Israeli Prime Minister Peres in May 1985. In the summer of 1985, while on vacation and not in his official capacity, Ledeen met with Ghorbanifar, Schwimmer, Yaacov Nimrodi, an Israeli arms dealer, and David Kimche of the Israeli Foreign Ministry to discuss Iran and the arms/hostage connection. McFarlane has said that it was Ledeen who provided him with his first information about Iran's interest in obtaining missiles and about Israel's interest in supplying such missiles. McFarlane did, however, attend separate meetings with David Kimche during the summer of 1985 to confirm Ledeen's information. (TS)

The Committees are likely to probe the propriety of Ledeen's meetings with the Israeli head of state and the extent of his authority to speak on behalf of the U.S. Government. Ledeen may also be asked what McFarlane told him about the President's approval of the Israeli arms shipments in August and September 1985. (U)

Although Ledeen remained an NSC consultant on terrorism until December 1986, Poindexter removed him from the Iran project in late 1985. Nevertheless, documents indicate Ledeen continued throughout 1986 to talk to North, Casey, Attorney General Meese, and others in the Government (Clair George, Charles Allen, Dewey Clarridge) about ongoing arms/hostage negotiations. Ledeen has said that throughout 1986 he advised North to discontinue the linkage between arms and hostages. North reportedly replied "don't argue with me. Go tell the old man," meaning the President. (TS)

Recent press reports have suggested that Ledeen met with Iranian cleric Hassan Karoubi in October 1985 to discuss covert operations to destabilize the Khomeini regime. Ledeen has denied attending such a meeting and has said he was not a party to any discussions pertaining to assassination plots against Iranian leaders. Ledeen may be asked to comment on the reports. (U)

B. Possible Profiteering

The Committees will certainly focus on allegations that Ledeen profited financially from the Iran arms sales. Ledeen has said he purposely did not want to know about the prices being charged for the weapons "because of the possibility that people might want to make a profit out of it." (Tower, February 12, 1986). Ledeen has speculated that someone in Israel may have profited on the arms sales, but has denied receiving commissions from Ghorbanifar. (TS)

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In a January 16, 1986, PROF note from North to Poindexter, Nir's suspicion about a secret business relationship among Schwimmer, Ledeen and Ghorbanifar was described. North observed that the relationship might be okay "if we can keep in touch with Ledeen long enough to get a feel for what is really going on." North added he personally had "no problem with someone making an honest profit on honest business as long as it did not result in the compromise of sensitive political or operational information." (TS)

North's handwriting on a February 27, 1986, message from Secord to North indicates that Ghorbanifar personally received "\$260/missile...Gives \$50/missile to Ledeen." Charles Allen has told the Tower Commission he learned from Nir that Ledeen received commissions on the September 1985 arms sales, but added he had no information to prove it. Finally, North told McFarlane on November 21, 1986 he was afraid Ledeen may have profited from the initiative. McFarlane said Admiral Poindexter may also have mentioned a similar concern to him at one time. McFarlane was not aware of instances where Ledeen may have returned to the United States with substantial amounts of money. (Committee testimony, May 13, 1987) (TS)

III. Events of November 1986

McFarlane has testified he went to Ledeen's home on November 21, 1986 at Ledeen's request to discuss a chronology Ledeen's was preparing for an upcoming media appearance. North arrived sometime later. During the ride back to the Old Executive Office Building, North expressed concern to McFarlane that Ledeen and Schwimmer may have profitted from the Iran initiative. (Committee testimony, May 13, 1987). (U)

North's appointment calendar for November 21, 1986, reflects two appointments, at 11:30 a.m. with Ledeen and McFarlane, and 2:30 p.m. with Ledeen. Fawn Hall testified Ledeen visited North's office in the afternoon. She had no recollection of an earlier meeting or what might have been discussed. Since documents may have been shredded in North's office about this time, Ledeen will likely be questioned about his observations and activities on November 21, 1986. (U)

Ledeen has told the Tower Commission he was unaware of the Contra operation. Ledeen did know "generally" of North's interest in getting the hostages released and may have been told about private people donating money for ransom attempts. (TS)

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87-TF-0067

THE WHITE HOUSE

WASHINGTON

June 23, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
RHETT B. DAWSON
KENNETH M. DUBERSTEIN
M. MARLIN FITZWATER
THOMAS C. GRISCOM

FROM: ARTHUR B. CULVAHOUSE, JR. 
COUNSEL TO THE PRESIDENT

SUBJECT: Testimony of Glenn A. Robinette
Tuesday, June 23, 1987

Attached is a summary prepared by Counsel's Office of the testimony of Glenn Robinette, a consultant in security systems and a former Central Intelligence Agency employee, at this morning's session of the Iran/Contra hearings.

Attachment

THE WHITE HOUSE

WASHINGTON

June 23, 1987

MEMORANDUM FOR HOWARD H. BAKER, JR.
RHETT B. DAWSON
KENNETH M. DUBERSTEIN
M. MARLIN FITZWATER
THOMAS C. GRISCOM

FROM: ARTHUR B. CULVAHOUSE, JR. 
COUNSEL TO THE PRESIDENT

SUBJECT: Anticipated Testimonies
Week of June 23, 1987

Attached are summaries prepared by Counsel's office of anticipated witnesses for the Iran/Contra Select Committee Hearings beginning June 23, 1987.

- a) Glenn Robinette - a consultant in security systems and a former Central Intelligence Agency employee (unclassified)
- b) Noel Koch - former Deputy Assistant Secretary of Defense for International Security Affairs (SECRET attachment)
- c) Judge Stanley Sporkin - former General Counsel of the Central Intelligence Agency and current U.S. District Court Judge (unclassified attachment)
- d) Dr. Henry H. Gaffney - Director of the Plans Directorate of the Defense Security Assistance Agency and former Director of the Near East/South Asia Region within the Office of the Assistant Secretary of Defense (International Security Affairs) and DOD Assistant Secretary nominee (SECRET attachment)

Attachments

THE WHITE HOUSE

WASHINGTON

June 23, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.)

FROM: WILLIAM B. LYTTON III W

SUBJECT: TESTIMONY OF GLENN A. ROBINETTE
JUNE 23, 1987 (MORNING SESSION)

I. Overview

Glenn Robinette, a retired 20-year veteran of the CIA, testified under a grant of limited immunity about his installation of an electronic security system at LtCol Oliver North's home in Great Falls, Virginia, in the summer of 1986. On April 29, 1986, Robinette spoke with retired Maj Gen Richard Secord who told him that North had been receiving threats to his family at their home.¹ At Secord's request, Robinette called Mrs. North and met with her on April 30, 1986, at North's home. He met twice with North, who was enthusiastic about having a security system installed at his home. At these meetings, North spoke of the terrorist threat against him, mentioning Abu Nidal. North also spoke about people shining lights into his house at night, punctured car tires and sand in his gas tank. Robinette gave North a cost estimate of \$8,500, in response to which North concurred and asked him to remember that he was a "poor Lieutenant Colonel."

Robinette installed an elaborate alarm system, external lights and an electronic gate at North's residence. He made a downpayment of \$6,000 on May 19, 1986, to a contractor, and received a \$7,000 cash reimbursement from Secord. He made further payments to two contractors totalling nearly \$7,900 on

¹Robinette had been for sometime providing Secord with investigative services relating to an unrelated legal dispute. Contrary to press reports, Robinette's testimony did not establish a financial link between Secord and Edwin P. Wilson, the imprisoned renegade former CIA officer convicted of supplying arms to Libya. Robinette did testify however that in February 1984 at the direction of a Wilson associate named Thomas Clines, he received \$33,000 from Secord to eventually be credited to a Clines account as a "loan". It is alleged that this payment helped defray the \$100,000 fine levied on Cline for illegal arms practices.

July 10, 1986. Shortly thereafter, he received from Secord \$9,000 in reimbursement (the balance was Robinette's fee). According to documents provided to the Congress by Secord's business partner Albert Hakim, this latter payment was by means of a cashier's check drawn by Mr. Willard Zucker (attorney for a Hakim corporation) at Secord's direction and reimbursement was made by the "Udall Corporation," which has previously been identified as one of the front corporations in the Secord-Hakim "enterprise" formed to facilitate aerial supply to the Contras.

In the first week of December 1986, North called Robinette, mentioning that he had never received a bill from him, and asked him to send one. Robinette was surprised, because he had already been paid by Secord (a fact he did not mention to North), but nonetheless knew North was in trouble and, acting on his own initiative and according to his "heart rather than head," prepared two backdated bills, dated July 2 and September 22, 1986, respectively. He admitted in testimony that his purpose had been for them to falsely appear to be a first and second notice, and added falsely to the bottom of the second a note stating that he had not enough time to send a notice earlier. He mailed these in an envelope addressed to North which he had placed within another envelope addressed to North's lawyer. Within a week, Robinette received from North two letters in return corresponding to the two false letters he had earlier sent. They were dated May 18 and October 1, 1986, respectively. The May 1986 letter purported to suggest two alternative options for payment by North. The first option proposed deferring payment until North's retirement from the Marine Corps and use of North's home for commercial endorsement purposes. The second proposed 24 monthly payments. The second letter purported to reflect an agreement between North and Robinette for satisfaction of the debt along the lines of the first option. Robinette acknowledged that no such agreement had occurred (the Committee suggested that North may have altered his typewriter ball to make it appear that the second letter was typed after the first letter).

On March 16, 1987, North telephoned Robinette and suggested that they meet the next day at North's attorneys' offices and that Robinette bring along copies of the letters relating to billing for the security system. The next morning, Robinette was confronted by newsmen at his house and stated to them that he had billed North and expected him to pay for the installation.²

North and Robinette met at the offices of North's lawyers. North verified that Robinette had the letters and then introduced him to one of his lawyers, who made copies of them. Upon leaving, Robinette met with Secord who wanted to know if

²Associated Press (March 17, 1987).

Robinette had sent the bills to North. When Robinette said he had, Secord told him he had done "the right thing."

Later in the day, Robinette was called by another of North's lawyers named Brendan Sullivan who told him to tell the truth and not to protect North, and to consider getting a lawyer.

II. The President's Involvement

None

III. Other Pertinent Matters

None

IV. Continuation of Hearings

The hearings will reconvene at 2:00 p.m. with the continued examination of Robinette.

THE WHITE HOUSE

WASHINGTON

June 22, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: WILLIAM B. LYTTON III

SUBJECT: ANTICIPATED TESTIMONY OF GLENN ROBINETTE

Glenn Robinette, a consultant in security systems, is a former CIA employee who supervised the purchase and installation of an electronic security system at LtCol Oliver North's home in Great Falls, Virginia, in June 1986. This system included a gate with a remote control device and an intercom system.¹ Congressional sources have stated that the security system was financed by funds from a Secord-controlled Swiss bank account.² Robinette, however, was quoted on March 17, 1987, as saying that he had paid for the gate in hopes that North would steer some business his way and that he billed North for the \$2,000 but had not been paid.³ And General Secord stated on June 11, 1987, that the money "came from the guy who put it in...without any blessing from me and without any financial assistance from me."⁴

Aside from information on the financing of North's security gate, Congressional investigators claim that Robinette will provide evidence "directly connecting" Secord to Edwin P. Wilson, a

¹Washington Post (March 17, 1987).

²Washington Post (June 11, 1987) at A-1.

³Associated Press (March 17, 1987, P.M. cycle). The Washington Post reported Robinette as saying "He'll pay.... He's a hell of a nice guy.... He just wasn't able to come up with the money." Washington Post (March 17, 1987).

⁴Washington Post (June 12, 1987) at A-10. According to Robinette, the idea of installing the system at North's home grew out of a conversation one night in a Northern Virginia bar when Secord told Robinette of North's concerns about an attack on his family by "terrorists and people like that." Washington Post (June 11, 1987) at A-1.

former CIA officer serving a 52-year prison term for smuggling arms to Libya. According to these investigators, Robinette's testimony will suggest that "Wilson's ring formed much of the structure for the private foreign policy...run out of the White House by...North."⁵ This ring is said to have included Robinette's business partner and former CIA officer Thomas G. Clines who participated in North's unsuccessful 1986 gambit to effect a hostage release using funds provided by H. Ross Perot and the Danish Freighter "Erria," which was dispatched to the coast of Lebanon reportedly with Clines aboard.⁶ Secord vigorously denounced allegations of any financial connection with Wilson as "obvious fabrication." Robinette's lawyer, Mark Tuohey, has supported Secord's denial, labeling reports that his client has information linking Secord and Wilson as "absolutely, totally untrue."

⁵New York Times (June 18, 1987) at A-1.

⁶National Security Archive Chronology 376, 388 (1st ed. 1987); Associated Press (April 8, 1987, A.M. cycle).

⁷New York Times (June 19, 1987) at A-1, A-6.

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THE WHITE HOUSE

WASHINGTON

June 22, 1987

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: WILLIAM B. LYTTON III 

SUBJECT: NOEL KOCH TESTIMONY

This memorandum provides a brief summary of Noel Koch who is expected to testify before the House and Senate Select Committees during the week of June 22, 1987.

Noel Koch resigned in May 1986 from his position as Deputy Assistant Secretary of Defense for International Security Affairs. As such, he was in charge of overseeing the Defense Department's counterterrorism efforts. The news media has generally reported that Koch, together with Richard Secord, George Cave (CIA) and LTG Collin L. Powell, then a military assistant to Secretary Weinberger and currently deputy to National Security Advisor Carlucci, handled the logistics of the Iran arms sales.

A survey of White House documents reveals little about Koch's role in the Iran initiative. His name does appear, however, on a note in Oliver North's handwriting entitled "people who know." The note was attached to talking points prepared for CIA Director Casey in February 1986 pertaining to future discussions with the Iranians. At least one document suggests that Koch provided North with information about the general condition and fair market value of TOWs in the Pentagon's inventory. Koch was also the Pentagon's representative on the intergovernmental working group on counterterrorism set up by the NSC.

In addition to probing the extent of Koch's involvement in the Iran initiative, and possibly the Contra operation as well, the Committees may question Koch about a conversation he had with Richard Secord on November 25, 1986, in which Secord described a telephone call with Admiral Poindexter earlier that day.

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